REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-22 are pending in this application.

Rejection Under 35 U.S.C. §102:

Claims 1-10 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ernst (U.S.'133). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Applicant respectfully submits that Ernst fails to disclose each element of the claimed invention. For example, Applicant submits that Ernst fails to disclose searching a generic process plan for a predetermined pattern contained in a non-generic process element and inserting contents from the non-generic process element into the generic process plan on detection of the predetermined pattern so as to newly generate a process plan which contains process instructions that are non-identical than that of the generic process plan, as required by claims 1-10.

Ernst essentially discloses selecting level settings for each step in a process such that the performance of the process as a whole is optimized. Specifically, Fig. 2 of Ernst discloses three process steps A1, A2 and A3. Each of these process steps has certain level settings which may be selected for the performance of that step. For example, the level settings in these steps may be whether to perform the process by an expert or by a novice, the novice taking longer than the expert to perform the task. The available resources performed in each step are illustrated in Fig. 3 and described at col. 7, lines 57-65. A business target is then selected for the process of Fig. 2 (see col. 7, line 67 to col.

8, line 6). For each step in the process, resources from the available resource set are selected to perform that step. Various sets representing different combinations of resources can be chosen to provide different evaluations of each set (see Fig. 4 and col. 8, lines 7-30).

Using the sets of resources selected, each one of these sets is used for a certain number of business process instances, and results obtained (see col. 8, lines 34-38). Following this, a third level setting is formed from the two given level settings for example, using genetic algorithms (see col. 8, lines 59-61) and a third set of parameters are then used within the process.

Process steps A1, A2 and A3 remain identical. All that is changed are the actual level settings for each process step from the resources available to perform the step (e.g., expert or novice). Having performed the process using the parameters of step A3, process optimization can then be performed (see col. 9, lines 22-23). The process may be further improved by further iterations to provide a continual and dynamic optimization of process behavior (see col. 9, lines 42-43).

Accordingly, Ernst is concerned with optimizing the parameters of each step within a process. Ernst is not concerned at all with altering a process by the insertion of content therein in order to newly generate a new process plan which contains process instructions which are non-identical than the original process.

The present invention relates to storing one generic process plan, as well as at least one non-generic process element which contains a predetermined pattern. The generic process plan is searched for the predetermined pattern such that content from the non-

generic process element can be inserted into the generic process plan when the predetermined pattern is detected for newly generating a process plan. The newly generated process plan may be particularly suitable for a given situation on the basis of a generic process plan which has been devised on a more generic level to deal with situations of the same type as the particular situation. This distinction between providing a generic process plan and non-generic process elements which may be used to customize the generic process plan to generate a customized (newly generated) process plan is neither disclosed nor suggested anywhere in Ernst. In particular, the optimization of process parameters in a **fixed** process as disclosed by Ernst fails to disclose the customization of a generic process plan by insertion of non-generic process elements to newly generate a process plan so that the newly generated process plan contains process instructions that are non-identical to those of the generic process plan as required by the claimed invention. For example, Ernst fails to disclose inserting content from a non-generic process element to introduce new process steps (see, e.g., new claims 19 and 21) or advise existing process steps (see, e.g., new claims 20 and 22).

Page 3, lines 1-3 of the Office Action apparently alleges that the claimed "generating" a process plan is disclosed by Ernst's teaching of the optimization of a plan. Applicant respectfully disagrees. The optimization of the plan implies that the actual process already exists, and that all that is required is an adjustment of the existing process parameters so as to produce the best process performance. On the other hand, newly "generating" a process plan implies that the plan has yet to exist and must in fact still be

created. A process plan must first be generated before it can be optimized. These two steps are distinct and different.

The Office Action equates "the starting basis" mentioned at col. 3, lines 43-44 of Ernst as the generic process plan. According to Ernst, "the stored information is the starting basis", and hence the starting basis relied upon by the Office Action must be the stored information. The only antecedent for "the stored information" in Ernst is that mentioned in col. 3, paragraphs 2-3 as being: a) the parameters valid for the respective business process instance (see col. 3, lines 9-10); b) processing data (see col. 3, line 18); c) resulting data taken from the processing data (see col. 3, line 21); and d) business targets (see col. 3, lines 23-25). It is these elements a)-d) that form the stored information, and hence the starting basis, which the Office Action has interpreted as the generic process plan.

However, this interpretation of elements a)-d) forming the stored information is inconsistent with the interpretation of the claimed features "non-generic process element" and "predetermined pattern" presented in the next paragraph of the Office Action. That is, the Office Action interprets the term "non-generic process element" as the collection of parameters which are ruled by predetermined business targets/patterns. However, as mentioned in the discussion of a) above, the collection of parameters is in fact "the stored information" referenced at col. 3, line 43, which the Office Action equates with the generic process plan. Such a feature of the prior art cannot be both the "generic process plan" and a "non-generic process element" simultaneously, and hence the interpretation of these claimed elements presented in the Office Action is inconsistent.

The Office Action then alleges that the claimed feature "searching said at least one generic process plan for the predetermined pattern contained by at least one generic process element" is disclosed by the identification of a business process instance with propitious result data as described at col. 3, lines 28-33. Applicant disagrees. This passage fails to describe how the actual identification of a business process instance with propitious result data is performed, but this is described on col. 3, lines 33-42 which specifies that:

> "The verification is typically carried out by the production of the business process instance and is at par with processing data of the business process instances; the verification may be backed by simulation in the incoming circuit on the basis of the performance characteristics predetermined by the level settings of the resource data. The maintenance of the business process modification is obtained by, again, carrying out the step of 'collecting processing data of the business process instances.' This starts an iterative operation of the process optimization."

The above passage of Ernst makes clear that the actual identification of the business process instance which has propitious result data is performed using an iterative operation of producing the business process instance with the particular characteristics predetermined by the level settings of the resource data, and changing these characteristics so as to find a particular business process instance which gives the desired result i.e., propitious result data. Applicant fails to see how this equates to the claimed feature of "searching said at least one generic process plan for the predetermined pattern contained by at least one generic process element", for the reason that iteratively performing a process so as to optimize that process is not the same as searching a generic process plan for a predetermined pattern.

The Office Action equates the feature of "inserting content from said at least one non-generic process element into the generic process plan to generate a process plan" with the feature that the real occurring processes enter their parameters directly into the starting basis at col. 3, lines 50-52. This interpretation suffers from that point made previously that the Office Action has used the stored information which constitutes the starting basis to anticipate both the generic process plan and the at least one non-generic process element, hence resulting in the inconsistency discussed above.

Finally, the Office Action equates the claimed feature "outputting the generated process plan" with the disclosure "...each completed business process instance enters its parameters, processing, and result data into the starting basis for the optimization of the business processes, keeping a starting basis, per se, continually updated with actual data" at col. 4, lines 10-15 of Ernst. However, this feature appears to be exactly the same as that discussed above in which the Office Action equated the exact same feature, i.e., entering parameters directly into the starting basis, with the claimed feature of inserting content from the non-generic process elements into the generic process element to generate a process plan, thus introducing a further inconsistency in interpretation.

Accordingly, Applicant submits that claims 1-10 are not anticipated by Ernst and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

New Claims:

New claims 11-22 have been added to provide additional protection for the invention. Since new claims 11-20 depend at least indirectly from independent claim 10

and new claims 21 and 22 depend from independent claim 1, Applicant submits that these claims are allowable for at least the reasons discussed above.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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